

Message Text

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IAEA

E.O. 11652: N/A
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SUBJECT: IAEA REGIONAL WORKSHOP ON NUCLEAR LAW, RIO DE JANEIRO
JUNE 27 - JULY 1, 1977

REF: BRASILIA 5281

FOLLOWING MESSAGE PREPARED IN AMCONGEN RIO DE JANEIRO:

1. AT INVITATION OF NATIONAL NUCLEAR ENERGY COMMISSION (CNEN)
RIO CONGEN OFFICERS ATTENDED SESSIONS OF IAEA-SPONSORED WORK-
SHOP ON NUCLEAR LAW FROM JUNE 27 TO JULY 1. U S SPEAKERS
INCLUDED HOWARD K. SHAPAR OF THE NRC -- SPEAKING ON NUCLEAR
EXPORT LICENSING IN THE US -- AND L. MANNING MUNTZING (FORMERLY
WITH THE ATOMIC ENERGY COMMISSION), A PARTNER IN WASHINGTON,
D.C. LAW FIRM -- SPEAKING ON RECENT US POLICY DEVELOPMENTS.
WORKSHOP WAS INTENDED PRIMARILY FOR BENEFIT OF BRAZILIAN LAW
STUDENTS AND IS PART OF ONE-YEAR COURSE ON NUCLEAR LAW AT
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FEDERAL UNIVERSITY OF RIO DE JANEIRO, UNDER AUSPICES OF CNEN.
REPRESENTATIVES OF SEVERAL OTHER LATIN AMERICAN COUNTRIES
ALSO ATTENDED WORKSHOP. OTHER SPEAKERS WERE MAINLY IAEA
OFFICIALS AND THEIR TALKS WERE UNCONTROVERSIAL.

2. IN VIEW OF SENSITIVITY OF NUCLEAR ISSUE IN BRAZIL, ESPECIALLY
INTERESTING WAS TALK BY L. MANNING MUNTZING (REFTEL) ON

CURRENT US NUCLEAR POLICY, IN PARTICULAR PRESIDENT CARTER'S BILL ON NON-PROLIFERATION POLICY. PRIOR TO MUNTZING'S TALK, THE PANEL CHAIRMAN ISSUED A STATEMENT TO THE EFFECT THAT ALL SPEAKERS WERE REPRESENTING THEIR OWN PERSONAL VIEWS AND NOT THOSE OF THEIR RESPECTIVE GOVERNMENTS -- NOTING THIS WAS STANDARD GROUND RULES FOR SUCH IAEA ACTIVITIES. MUNTZING ALSO STRONGLY STATED THAT HE WAS NO LONGER WITH THE USG AND WAS ACTING IN THE CAPACITY OF A PRIVATE CITIZEN (ALBEIT A CLOSE OBSERVER OF POLICY EVOLUTION).

3. MUNTZING DEVOTED MUCH OF HIS TALK TO LEGISLATION CURRENTLY PENDING ON THE HILL, BOTH THE CONGRESSIONAL VERSION (S.897 AND THE GLENN AMENDMENT) AND THE CARTER ADMINISTRATION'S BILL ON NUCLEAR NON-PROLIFERATION (S.1432). MUNTZING TOLD THE AUDIENCE THAT THE CONGRESSIONAL VERSION REGARDING NUCLEAR NON-PROLIFERATION WOULD FORCE THE USG TO RENOUNCE ALL EXISTING AGREEMENTS FOR COOPERATION IN THE AREA OF NUCLEAR TECHNOLOGY TRANSFER. WHILE THE ADMINISTRATION BILL WOULD MAINTAIN EXISTING AGREEMENTS PENDING A COMPLEX NEGOTIATION PROCESS (INCLUDING CONGRESSIONAL OVERVIEW). HE REMARKED THAT THIS COULD ALSO CONSTITUTE A VIOLATION OF INTERNATIONAL LAW. WHILE NOT SPECIFICALLY MENTIONING BRAZIL, HE STATED THAT EXISTING AGREEMENTS FOR COOPERATION WITH THE DEVELOPING NATIONS OF THE WORLD MIGHT HAVE TO BE DRASTICALLY REVISED UNDER TERMS OF ANY NEW LEGISLATION, THEREBY AFFECTING BILATERAL NUCLEAR COOPERATION WITH MANY NATIONS. MUNTZING CRITICIZED BOTH THE CONGRESSIONAL AND LIMITED OFFICIAL USE

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ADMINISTRATION BILLS AS UNREALISTIC IN LIGHT OF THE VERY LONG LEAD TIMES REQUIRED FOR THE DEVELOPMENT OF NUCLEAR PROGRAMS. HE SAID CHANGES MADE BY SUPPLIER NATIONS (READ USG) REGARDING COOPERATION AGREEMENTS SHOULD TAKE INTO CONSIDERATION THOSE LONG LEAD TIMES.

4. MUNTZING SUPPORTED THE CARTER ADMINISTRATION'S EFFORTS RE NON-PROLIFERATION OF NUCLEAR WEAPONS. HE REMARKED THAT, WHILE HE DISAGREED WITH CERTAIN ASPECTS OF THE CARTER ADMINISTRATION'S POLICIES, DEVELOPING NATIONS WOULD HAVE TO COME TO GRIPS WITH THE REALITIES OF NUCLEAR POWER VIS-A-VIS THE WEAPONS PROBLEM. IN THIS REGARD, HE STATED THAT DEVELOPING NATIONS WITH NUCLEAR PROGRAMS SHOULD BE ABLE TO DISCUSS NUCLEAR ISSUES DIRECTLY WITH THE NUCLEAR SUPPLIERS. HE CALLED FOR THE ABOLITION OF THE LONDON SUPPLIERS CLUB, STATING THAT IT WAS A SECRET GROUP WHOSE DECISIONS AFFECTED, BUT WHOSE MEETINGS WERE CLOSED TO, RECIPIENT NATIONS. MUNTZING SAID THAT A FORUM INCLUDING BOTH SUPPLIER AND RECIPIENT NATIONS WOULD BE MUCH MORE EFFECTIVE IN DEALING WITH NON-PROLIFERATION PROBLEMS OUTLINED BY THE CARTER ADMINISTRATION. AT NO TIME DID MUNTZING SPECIFICALLY MENTION USG POLICIES REGARDING BRAZIL AND THE ACCORD WITH WEST GERMANY.

5. ALL TALKS WERE GIVEN IN ENGLISH AND GENERAL CONSENSUS IN OUR TALKS WITH ATTENDEES WAS THAT THIS WAS A SERIOUS DRAWBACK TO THE COURSE. MOST STUDENTS HAD DIFFICULTY IN FOLLOWING MANY OF THE SPEAKERS. ALTHOUGH THE LANGUAGE PROBLEM MAY HAVE ACCOUNTED FOR A LACK OF PROBING QUESTIONS, IT WAS SURPRISING THAT NO QUESTIONS WERE ASKED RELATING TO US-BRAZILIAN RELATIONS ON THE NUCLEAR PROLIFERATION ISSUE. TWO BRAZILIAN STUDENTS TOLD CONGEN OFFICER THEY HAD BEEN EXPRESSLY TOLD TO KEEP ANY QUESTIONS TO LEGAL MATTERS AND AVOID QUESTIONS OF A POLITICAL NATURE. HOWEVER, ONE MEMBER OF THE AUDIENCE INTRODUCED HIMSELF AS A FORMER REPORTER FROM "CORREIO DA MANHA" AND ASKED IF IT WERE "NOT A VIOLATION OF THE HUMAN RIGHTS OF NATIONS TO PREVENT LIMITED OFFICIAL USE

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THEM FROM MANUFACTURING A NUCLEAR DEVICE." THE PANEL CHAIRMAN REQUESTED THAT QUESTIONS OF A POLITICAL NATURE BE RESERVED FOR PRIVATE CONVERSATIONS, AND TURNED TO OTHER QUESTIONERS.

6. CONGEN RIO COMMENT: SINCE OTHER SPEAKERS WERE CLEARLY ATTENDING EX-OFFICIO AND THEIR REMARKS WERE CONSEQUENTLY RESTRAINED, MUNTZING'S PRESENTATION AS AN "OUTSIDER" ATTRACTED GREATER INTEREST. (THIS INTEREST DID NOT EXTEND TO PRESS; NO PRESS REPORTS ON SUBSTANCE OF SESSIONS HAVE COME TO OUR ATTENTION.) HIS DETAILED OVERVIEW OF CURRENT SITUATION IN WASHINGTON (COPIES OF PREPARED TEXT BEING POUCHED TO ALL ADDRESSEES) MAY SERVE USEFUL FUNCTION IN SENSITIZING GOB (AND OTHER GOVERNMENTS REPRESENTED) AND IAEA TO PUBLIC PRESSURES AND CONGRESSIONAL CONCERNS WHICH SHAPE US NUCLEAR POLICY. HIS DISCUSSION OF THE ADMINISTRATION'S EFFORT TO AVOID UNILATERAL CANCELLATION OF EXISTING USG COOPERATION AGREEMENTS WITH MANY COUNTRIES -- AND OF THE RELATIVE MERITS OF RENEGOTIATION OF SUCH AGREEMENTS AS THE WAY FOR COUNTRIES TO PRESERVE AS MUCH ACCESS TO US TECHNOLOGY AS POSSIBLE -- COULD INCREASE RECEPTIVENESS TO FUTURE USG INITIATIVES IN THIS AREA. HE SEEMED AWARE OF THIS ASPECT OF HIS ROLE, AND HIS CAREFUL, WELL-BRIEFED APPROACH PROBABLY ENHANCED HIS CREDIBILITY IN THIS REGARD. WE DID NOT SEE CNEN PRESIDENT CARVALHO, NUCLEBRAS CHIEF NOGUEIRA BATISTA, OR OTHER TOP GOB NUCLEAR POLICY OFFICIALS AT MUNTZING SESSION, BUT WE BELIEVE THAT HIS VIEWS OF USG ACTIVITIES REACHED THEM. (DURING JULY 1 CALL ON OTHER MATTER, CARVALHO TOOK OCCASION TO CITE MUNTZING ON ERDA ROLE IN USNUCLEAR CASE -- SEE SEPTTEL.) JOHNSON

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